



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 7022**
Mitsuaki OSHIMA et al. : Attorney Docket No. 2000_1328
Serial No. 09/672,946 : Group Art Unit 2634
Filed September 29, 2000 : Examiner Dac V. Ha
COMMUNICATION SYSTEM : **Mail Stop: AMENDMENT**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

This paper is in response to the Office Action mailed October 28, 2005.

The Examiner indicated that the Reissue Declaration is defective because it fails to contain the statement as to Patentees' belief that the original patent is wholly or partly inoperative or invalid. However, this assertion by the Examiner is incorrect because the Reissue Declaration filed October 6, 2005 includes the statement "I verily believe that the above original patent is partly inoperative by reason of claiming more or less than I had a right to claim." See page 1 of the Reissue Declaration filed October 6, 2005, first line below the table of foreign priority documents.

The Examiner also apparently indicates that no statement has been made on the record that the original patent has been surrendered. However, as indicated on page 4 of the Amendment filed March 17, 2003, "the original patent was surrendered to the PTO on July 18, 2001 in the parent application of the present application."

In view of the above, it appears that the application is in condition for allowance.

The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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